UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.22
25 April 1994

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Chile

1. The Committee considered the initial report of Chile (CRC/C/3/Add.18) at its 146th to 148th meetings (CRC/C/SR.146-148), held on 14 and 15 April 1994 and adopted* the following concluding observations.

A. Introduction

2. The Committee commends the State party for its comprehensive report, which has been prepared in conformity with the Committee's guidelines and reflects a forward-looking strategy, and for the submission of detailed written replies to its list of issues. It notes with satisfaction that the detailed additional information provided by the delegation and its involvement in national policies concerning children made it possible to engage in an open and constructive dialogue with the State party.

3. The Committee also notes with satisfaction that the report submitted by the State party is the result of a wide consultation, at the national level, between the public authorities and the non-governmental coalition on the rights of the child.

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* At the 156th meeting, held on 22 April 1994.

B. Positive aspects

4. The Committee welcomes the fact that the Convention on the Rights of the Child is self-executing in the State party and that its provisions may be, and in practice have been, invoked before the Courts.

5. The Committee welcomes the measures undertaken by the Government of Chile in order to promote and to protect the rights of the child in accordance with the standards set forth in the Convention as well as the dynamic and self-critical approach of the Chilean Government towards its implementation.

6. It notes the adoption by the Government of Chile of the National Plan of Action in Favour of Children and the readiness of the Government to cooperate with all interested parties, both nationally and internationally, in implementing it.

7. The Committee also notes that during the period under review important steps have been undertaken at the legislative level with a view of harmonizing the national legislation with the provisions of the Convention, as well as the establishment of monitoring mechanisms including National Service for Minors (SENAME), a public service under the Ministry of Justice, charged with assisting and protecting children and young people in particularly difficult circumstances.

8. The Committee also notes with satisfaction the priorities set by the Government and its serious efforts to face existing social problems, including in the fields of health and education, as well as to ensure the protection of the rights of disabled children.

9. The Committee welcomes the statement by the delegation of the State party that the Government of Chile is considering ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

C. Factors and difficulties impeding the application of the Convention

10. The Committee notes that poverty, in spite of efforts by the Chilean Government, has affected a large number of children and had a constraining influence on the implementation of the provisions of the Convention.

11. The Committee further recognizes that the democratic government has faced the need for major legal and administrative reforms in the aftermath of the period of non-democratic rule. The demands in the area of rehabilitation and social reintegration have also been considerable, not least in regard to children.

D. Principal subjects of concern

12. The Committee is concerned with the fact that the decentralization process might lead to a deterioration in the quality of and effective access to health services and education, in particular for the most vulnerable groups of children.

13. The Committee expresses its concern at the existing geographical and social disparities in the enjoyment of the rights provided for under the Convention.

E. Suggestions and recommendations

14. The Committee recommends that special efforts should be made by the Government in order to fully harmonize the existing legislation with the provisions of the Convention and in the light of its general principles as well as to ensure that the best interests of the child, as stipulated in article 3 of the Convention, be a primary consideration in all actions concerning children, including those undertaken by Parliament.

15. The Committee recommends that an overall national mechanism be set up with the mandate to assure continuing supervision and evaluation throughout the country of the implementation of the Convention, which is particularly important within the context of the realization by the Government of the decentralization programme.

16. The Committee recommends that the Government of the State party consider pursuing the measures adopted to fight situations of child ill-treatment. It stresses the importance of ensuring training activities for the professional groups concerned, as well as of developing mediation measures.

17. The Committee also recommends that a legal system of administration of juvenile justice be established in the light of the principles and provisions of the Convention, in particular articles 37 and 40, as well as other relevant United Nations standards, including the Beijing Rules, the United Nations Rules for the Protection of Juveniles Deprived of Liberty and the Riyadh Guidelines. Such a legal system should also address the important question of the minimum age of criminal responsibility, particularly in the light of the best interests of the child. In this respect, the Committee draws the attention of the State party to the availability of the Programme of Advisory Services and Technical Assistance of the Centre for Human Rights.

18. Finally, the Committee recommends that the provisions of the Convention should be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, the staff in correctional facilities, judges and members of other professions who are concerned with the implementation of the Convention. The Committee particularly recommends that, in accordance with article 44, paragraph 6, of the Convention, the report submitted by the Chilean Government, the written replies to the Committee's list of questions, as well as the summary records of the consideration of the report and the Committee's concluding observations be made widely available to the public at large. In the same spirit, the Committee expresses the hope that the present concluding observations will inspire an open debate at the national level on the policies in the field of the rights of the child, including at the parliamentary level.